

REMARKS AND RESPONSE TO RESTRICTION REQUIREMENT

The Examiner has required restriction of the invention under 35 U.S.C. 121 to one of the following groups:

Group I: Claims 1-15, drawn to a construct for downmodulating an immune response comprising a portion of an antibody to CTLA4 and an MHC molecule, classified in Class 530, subclass 810.

Group II: Claims 16-17 and 22-26, drawn to a method of downmodulating an immune response by administering a construct comprising a portion of an antibody to CTLA4 and an MHC molecule, classified, *e.g.*, in Class 514, subclass 885.

Group III: Claims 18-23, 25-31, drawn to a method of downmodulating an immune response comprising causing a cell of the subject to express a portion of an antibody to CTLA4, classified in Class 424, subclass 93.21.

Group IV: Claim 32 and 33, drawn to a method of preparing and transplanting an allogeneic cell wherein the allogeneic cell is caused to express a portion of an antibody to CTLA4, classified in Class 435, subclass 334.

If Applicants elect Group I - II, the Examiner further requires a species election for the MHC molecule among the species of:

- Species:
- A) syngeneic class II;
 - B) syngeneic class I; and
 - C) allogeneic class I.

If Applicants elect Group I-II, the Examiner further requires a species election for the exposed surface among the species of:

- Species:
- A) an acellular lipid bilayer;
 - B) a cellular bilayer that is non-eukaryotic;

- C) a cellular bilayer that is a eukaryotic cell syngeneic to the subject; and
- D) a cellular bilayer that is a eukaryotic cell allogeneic to the subject

If Applicants elect Group I - II, the Examiner further requires a species election for the manner by which the antibody is attached to the exposed surface among the species of:

- Species:
- A) a phosphatidylinositol-glycan anchor;
 - B) a transmembrane domain; and
 - C) a chemical linkage.

If Applicants elect Group II - III, the Examiner further requires a species election for the antigen against which the immune response is raised among the species of:

- Species:
- A) against a non-self antigen; and
 - B) against a self-antigen;

If Applicants elect Group III, the Examiner further requires a species election for the molecule that is further expressed by the cell of the method among the species of:

- Species:
- A) no MHC molecule;
 - B) an MHC class I molecule; and
 - C) an MHC class II molecule.

Applicants hereby elect the Group II invention (claims 16-17 and 22-26, drawn to a method of downmodulating an immune response by administering a construct comprising a portion of an antibody to CTLA4 and an MHC molecule) under 35 U.S.C. §121 for prosecution in the present application, without traverse.

Applicants further elect the species of a *syngeneic class II* molecule as the MHC molecule, the species of a *cellular bilayer that is a eukaryotic cell syngeneic to the subject* as the exposed surface, and the species of a *phosphatidylinositol-glycan anchor* as the exposed surface to which the antibody is attached, for search purposes only. Applicants further elect the species that the immune response is *against a self antigen*, for search purposes only. It is Applicants'

understanding that the search will be extended to the remaining species upon a finding of allowability.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

SUMMARY

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. GNN-014CP from which the undersigned is authorized to draw.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

A handwritten signature in black ink, appearing to read 'Meg-Elis', written over a horizontal line.

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Reg. No. 43,270

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